



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



NO.AD (L-II)/SPPRA/CMS-2930/2021-22/0569

Karachi, dated the 08th March, 2022

To,

The Executive Engineer,
Building Division (Works & Services),
Kashmore @ Kandhkot.

Subject: **DECISION OF THE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY.**

The undersigned is directed to refer to the subject cited above and to enclose herewith a copy of the Authority's Review Committee decision (M/s Noor Enterprises v/s Executive Engineer, Building Division Kashmore @ Kandhkot, held on 01.03.2022, for information & necessary action.


ASSISTANT DIRECTOR (Legal-II)

A copy is forwarded for information and necessary action to:

1. The Superintending Engineer, (Works & Services) Building Division Kandhkot @ Kashmore.
2. Assistant director (I.T), SPPRA (with advice to post the decision on the Authority's website in terms of Rule-32(11) of SPP Rules, 2010)
3. The Staff Officer to the Chairman / Members Review Committee.
4. The Appellant.



GOVERNMENT OF SINDH
SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY



No.AD (L-II) SPPRA/CMS-2930/2020-21

Karachi, dated 08th March, 2022

BEFORE REVIEW COMMITTEE OF SINDH PUBLIC PROCUREMENT REGULATORY AUTHORITY
UNDER RULE-32 OF SPP RULES 2010.

Decision of the Review Committee held on 01.03.2022

Appellant	M/s Noor Enterprises
Procuring Agency	XEN Building Division Kashmore Kandhkot
PPMS ID #	T00918-21-0001
Reference No.	No: XEN:(B)/TC/ 1020 /2021 DATED 20-12-2021
Appeal Received in Authority Dated	15.2.2022
Complaint of the Appellant Addressed to the Superintendent Engineer Kashmore @Kandhkot (Chairman Complaint Redressal Committee)	Dated:4.02.2022
Dated of Posting Notice Inviting Tender	21-12-2021
Date of Opening of Bids First Opening	07-01-2022
Second Opening	24-01-2022
Date of Posting Bid Evaluation Report	02-02-2022
Date of Posting Contract Documents	Not posted as yet
SPPRA Observations communicated on	04.02.2022
Estimated Cost of NIT Total	5 Million
Total works in NIT	4 works
Appellant Related work	Work No.1
Issue involved	Non-opening of bid Violation of Rules and procedure
Complaint of the Appellant Addressed to the Superintendent Engineer Kashmore @Kandhkot (Chairman Complaint Redressal Committee)	Dated:4.02.2022
CRC Decision	Not Received

Complaint of the bidder:-


1. The bidder submitted that he had sent his bid via courier service and the same was received at the office of the procuring agency but the procuring agency had not shown the bid of the bidder in BER and violated the SPP rules.
2. The appellant also claimed that the procuring agency managed the tenders by affixing fake signatures, making fabricated documents and showing fictitious procurement committee members.
3. The appellant also submitted that the procuring agency violated the rules such as procuring agency did not rectify the irregularities, did not open bids transparently and failed to observe SPP rules i.e Rule 89, 21(1),47(1) and 4.
4. The appellant requested for taking necessary action against the officials of the procuring agency that misused the Authority and blatantly violated the SPP Rules.

The procuring agency's version:-

1. The procuring agency failed to appear before the Review Committee twice. The statement submitted by the procuring agency is on the record. The procuring agency submitted that M/S Noor Enterprises had submitted his bid via courier to the office of the Executive Engineer Highways Division Kashmore @Kandhkot instead of submitting the same to the office of the procuring agency "XEN Building Division Kashmore kandhkot (Works and Services Department)".
2. The Procuring Agency also submitted that M/s Noor Enterprises personally withdrew Bid Security from the office of the Executive Engineer, Highways Division Kashmore @Kandhkot and got it refunded.
3. The Procuring Agency also submitted the appellant had applied for work No.1. The Procuring Agency also submitted that three works had been awarded to the successful bidders but Work No.1 had not been awarded due to the pendency of appeal.

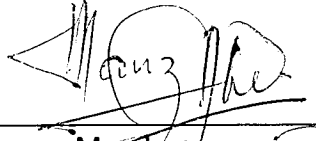
Observation of the Review Committee:-

1. The Review Committee observed that the procuring agency failed to comply with the **Rules** 89, 21(1), 47(1) and 4 of the SPP Rules.
2. The Review Committee also observed that the procuring agency failed to open the bid of the appellant which is violation of Rule-4 of the SPP Rules.
3. The Review Committee also observed that, under Rule 32(8), it was necessary for the head of the procuring agency or his nominee not below the rank of BS-19 to appear before the Review Committee. However, the head of the procuring agency did not appear before the Review Committee nor nominated any officer to appear before the Review Committee which violation of Rule 32(8) of the SPP Rules.
4. The Review Committee also observed that the procuring agency had not awarded for Work NO.1.



Decision of the Review Committee:-

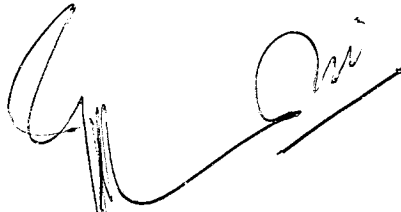
Given the proceedings, findings, observations and after due deliberation, in exercise of power conferred by the Rule 32(7)(f) of the SPP Rules, the Review Committee directs that the Procurement proceedings be terminated for the Work No 1 of the instant NIT, for which appellant had participated, as the procurement contract has not been signed.



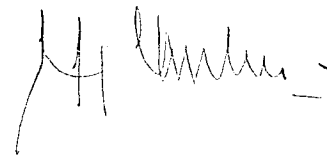
Member
(Manzoor Ahmed Memon)
Member SPPRA Board



Member
(Munir Ahmed Shaikh)
Independent Professional



Member
(G. Mohiuddin Asim)
Representative of P & D Board ,P& D
Department Karachi



Chairman
(Abdul Haleem Shaikh)
Managing Director
Sindh Public Procurement Regulatory
Authority